



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,520	12/23/1999	KONSTANTINOS I. PAPATHOMAS	EN995064BV	7516

5409 7590 07/19/2002

ARLEN L. OLSEN  
SCHMEISER, OLSEN & WATTS  
3 LEAR JET LANE  
SUITE 201  
LATHAM, NY 12110

EXAMINER

BERMAN, SUSAN W

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 07/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/471,520

Applicant(s)

PAPATHOMAS ET AL.

Examiner

Susan W Berman

Art Unit

1711

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 June 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  
2. ☒ The proposed amendment(s) will not be entered because:  
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ they raise the issue of new matter (see Note below);  
(c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached pages.  
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-18.

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.  
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.  
10. ☐ Other: \_\_\_\_\_

  
Susan W Berman  
Primary Examiner  
Art Unit: 1711

Art Unit: 1711

**Advisory Action**

Applicant has amended the instant claims to recite a “composition comprising”...a cyanate ester substance “from only” cyanate ester monomer, a cyanate ester prepolymer or a mixture...”. It is not clear what is meant by “from only”. Does applicant intend to recite a cyanate ester substance derived from a cyanate ester monomer and/or prepolymer? Does applicant intend to recite a cyanate ester substance “consisting of” a cyanate ester monomer and/or a cyanate ester prepolymer? In any case, the comprising language of the claims encompasses compositions comprising polymerizable components that are not cyanate ester monomers or prepolymers.

Applicant argues that the prior art references of record do not teach or suggest the invention as now claimed. This argument is not persuasive. The claims are not limited to compositions wherein a cationically polymerizable composition consists of cyanate ester monomers and/or prepolymers. The proposed amendment limits the compositions to compositions comprising a cyanate ester substance “from only” cyanate ester monomer, a cyanate ester prepolymer or a mixture...”. If the claim language were changed to compositions comprising a cyanate ester substance consisting of cyanate ester monomer, a cyanate ester prepolymer or a mixture...”, the compositions would still encompass other cationically polymerizable kinds of substances as well as free radically polymerizable substances.

The proposed amendment would obviate the rejection of claims 1-12, 16 and 17 over Ayano et al in view of McCormick et al further in view of Christie et al. The rejection of claims 1-12, 16 and 17 over Ayano et al in view of McCormick et al would be maintained.

The proposed amendment would obviate the rejection of claims 1-12, 16 and 17 over Gaku et al in view of McCormick et al and Shimp and further in view of Christie et al. The rejection of claims 1-12, 16 and 17 over Gaku et al in view of McCormick et al and Shimp would be maintained.

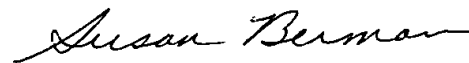
Art Unit: 1711

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan W Berman whose telephone number is 703 308 0040. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 703 308 2462.

The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9310 for regular communications and 703 872 9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0661.



Susan W Berman

Primary Examiner

Art Unit 1711

SB  
7/16/02